CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 19, 2006

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino

MEMBERS ABSENT
Councilmember Mariscal

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Police Chief Macagni, Community Development Director Lindsey, Fire Chief Ortiz, Director of Utilities Sweet, Director of Administrative Services Snodgrass, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, City Librarian Pinneli, Senior Deputy City Attorney Stockton, Planner III Shipsey, Code Compliance Supervisor Garcia, Fire Battalion Chief Owen, City Clerk Rodriguez, and Chief Deputy City Clerk Perez.

CERTIFICATION OF ELECTION RESULTS
Chief Deputy City Clerk gave the staff report. The City of Santa Maria consolidated its General Municipal Election held on November 7, 2006, with the State-wide General Election conducted by the County of Santa Barbara Elections Division. On November 30, 2006, County Clerk-Recorder Joseph Holland certified the election results including the election for two members of the City Council. Based on the certified election results, Councilmember Alice Patino was re-elected for another term and Hilda Zacarías was elected as a new member of the City Council. The County Clerk-Recorder's Certificate of Election Results of the Official Canvass must be accepted by the City Council. The newly elected officers will then be sworn in.

Resolution No. 2006-202A, accepting the County Clerk's Certificate of Election Results of the Official Canvas, was adopted on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Mariscal
ABSTAIN:	None

Resolution No. 2006-202A adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2006, IN CONJUNCTION WITH THE STATEWIDE GENERAL ELECTION AND ACCEPTING COUNTY CLERK'S CERTIFICATE – RESULTS OF THE OFFICIAL CANVASS.

City Clerk Rodriguez administered the Oath of Office to Councilmember Alice Patino and presented a Certificate of Election to her.

Councilmember Patino stated even though she had been through the election process before, it was a very humbling experience to ask the people of Santa Maria to vote for

you. She thanked her colleagues, all the people in Santa Maria who supported her, walked precincts, and did telephone calling.

City Clerk Rodriguez administered the Oath of Office to Councilmember Hilda Zacarias and presented a Certificate of Election to her.

Councilmember Zacarias gave her remarks in both Spanish and English. She stated she was honored to be sworn in as a Santa Maria City Councilwoman. She did not arrive by herself and would not serve by herself, but was accompanied by her many family members, her friends, and her supporters. She would serve each of them. She was thankful to them for believing in their ability to become fully involved in the running of the City. She was especially thankful to those who worked so many hours registering people to vote, walking precincts, making telephone calls, and encouraging their family and friends to vote. She was also thankful to those who take the time to get involved with the City. She counted on their involvement to help her be a good decision maker. She was thankful to the men and women of the City of Santa Maria who serve the community. They are truly valued and appreciated. The future depends on what is done in the present. She said she looked forward to working with her fellow Councilmembers in building a great future for Santa Maria - one that would embrace all of its residents, its rich diversity, its economic opportunities, and its possibilities. This would be done with a government that was open, transparent, and values the people it serves.

Mayor Lavagnino called a short recess at 6:45 p.m. for a reception to congratulate the newly seated officers.

Mayor Lavagnino reconvened the City Council meeting at 6:55 p.m.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Mike Holford, the Recreation and Parks Volunteer of the Month for December 2006, for his dedication, energy, and outstanding support for the Recreation and Parks Department's Summer Youth Basketball League.

RECOGNITION OF CONTEST WINNERS
Councilmember Patino, Recreation and Parks Commissioner Ann Batterson, and Director of Recreation and Parks Posada presented plaques to the winners of the 2006 Lights, Sights, and Holiday Nights Decorating Contest winners: Ron & Roberta Wulfing of 512 N. College Drive, winners of the Best Residence Award; the Dickersons of 104 Palm Court, winners of the Most Inspirational Award; Larry & Patty Stewart of 330 Scott Street, *winner of the Best Use of Craftsmanship* Award;

A representative from Marian Medical Center at 1400 E. Church Street, winner of the Best Business Award; James & Diane Alexander of 1027 W. El Camino Street, winner of the Neighborhood Spirit Award; Laurence and Michele Iliff of 917 N. Beth Court, winners of the Most Nostalgic Award; and a representative of the 1700 Block of LaSalle, winners of the Best Block Award were not present to accept.

The 15 "Awards of Excellence" winners were also announced and recognized.

PROCLAMATION – CERT TRAINING GRADUATES
Councilmember Zacarias read a proclamation commending and congratulating the graduates of the 32-hour Community Emergency Response Team (CERT) Training sponsored by the Fire Department for their commitment to our community through their unselfish participation in the CERT Training. The proclamation was accepted by Fire Battalion Chief Owen. Four of the graduates were present and recognized.

ANNOUNCEMENTS
Councilmember Trujillo introduced "Beary the Library Bear" who would be used for a fundraising campaign to help raise funds for equipment and supplies for the new library. He said that if everyone in Santa Maria could donate $10, they would raise over $1 million.

Mayor Lavagnino requested a moment of silence in memory of Muriel Robinson, a member of the City's Landmark Committee since 2000 and a member of the Santa

Maria Docent Council. Muriel passed away on December 7, 2006, following an extended illness.

Mayor Lavagnino stated he would not ask where someone resides if they wanted to come speak to the City Council. He would only ask that they not be profane or attack City employees.

PUBLIC COMMENT

Gabriel Valencia, President of MAPA, stated they were very proud of Councilmember Zacarías. He talked about a friend who was licensed to sell ice cream and was always getting tickets for parking his ice cream truck in front of his house. He makes his living selling ice cream. Mayor Lavagnino asked the Chief of Police to talk to Mr. Valencia and try to resolve the issue.

Ernest Armenta congratulated Councilmember Zacarías. He talked about the need to increase AB 1600 fees since Measure D failed. He requested the Planning Commission and Recreation and Parks Commission meetings being televised and that parents with children involved in youth sports come to Council meetings and let the Council know their needs for more parks. He indicated that rent control should be for all mobile home parks if it was allowed for the Quail Meadows mobile home park. He also talked about morale in the Police Department being the responsibility of the police officers, and encouraged people to not drink and drive on New Years Eve.

Deborah Brasket congratulated Councilmembers Patino and Zacarías. She thanked the Mayor for saying everyone was welcome to speak at Council meetings, even those who live in the unincorporated area. She explained that after speaking at the last Council meeting she was challenged by a Councilmember to move to Santa Maria if she wanted to meddle in City Council business. A lot of people who live in the incorporated area call Santa Maria their home, own property, shop, and go to church. A lot of decisions made by the City Council affect the whole County.

Vibiana Saavedra thanked the Library Board and City Librarian Pinneli for having the lights on during the day in the lower level of the parking structure. The other issue is the one-way traffic in the lower level. People didn't realize it was one way because there was only one small sign at the entrance. She requested the Police Department monitor pedestrian traffic on Cook Street and Miller Street during the noon hour as individuals were not using the crosswalk to go to the Salvation Army. She asked the Mayor to extend a personal apology to Deborah Brasket for the way she was treated at the last meeting.

Toru Miyoshi expressed concern regarding the Council's response to Ms. Brasket's comments at the last meeting. He said he felt the public comment period was to allow the citizens to speak on whatever concerns they had. He said he appreciated the Mayor's comment that everyone would be welcome to speak. He commented that he agreed with Mr. Armenta that all mobile home parks should be treated equally.

Mayor Lavagnino clarified that Quail Meadows East, the park with rent control, was not included in the annexation application.

Ron Faas stated he also lived outside the City of Santa Maria. At the last meeting several Councilmembers spoke about housing policies in Santa Barbara which was appropriate because decisions there affected this area. Similarly, decisions made at times by the City Council affect those who live outside the City. People should be encouraged to come and speak, particularly those who shop in Santa Maria and pay sales tax. He congratulated Councilmembers Patino and Zacarías.

Harley Augustino, PUEBLO, stated this election they had over 100 volunteers walking door to door supporting Measure D and Hilda Zacarías for City Council. What they found was there is a disconnect between the elected officials and the community. He recognized some of the people who walked precincts, and encouraged Councilmembers to contact those people because they had a pulse on the community. He said this election was a referendum on the direction of the City Council. They didn't

like that transportation tax money was being used for roads, that money for affordable housing was being used to pay off the parking structure, and that police and city workers had terrible morale.

Efrain Toledo congratulated Councilmembers Patino and Zacarías. He said he was one of the people walking precincts and in the evenings he noticed there were a lot of street lights out. He recommended that the City Council focus on the next generation and their education. He also talked about the basketball court at Ontiveros School being removed and recommended more parks for the young people.

Maribel Salmeran spoke in Spanish and her comments were translated. She talked about the need for more low-income housing and housing that would be affordable for people who work in agriculture and made minimum wage. They couldn't afford to make high mortgage payments. She asked why the City was building so many high cost houses and not concentrating on housing that would be more affordable for low-income families. Instead of families paying $1,300 to $1,500 a month in rent, they would like to be making payments on a house they can afford. She also talked about having more crosswalks so people could cross the streets safely.

Dalia Garcia spoke in Spanish and her comments were translated. She said she was President of the Student Body from Pioneer High School. She asked that the City focus on the youth and the need for more community activities or events in school and outside of school. The schools were not being taken care of. There were a lot of needs. They would like to have more information about opportunities for college for low-income families. She asked why some of the schools in Santa Maria offered a higher quality of education than others. It should be uniform.

Mayor Lavagnino explained that the City of Santa Maria did not have jurisdiction over any of the schools. They were run by the individual school boards.

Diane Lapham presented a petition from Riverside Estates requesting a four-way stop at the corner of Preisker and Hidden Pines. It was a very dangerous corner. She explained some of the problems that have occurred at that intersection. She indicated she would be attending the next Traffic Committee meeting.

Mayor Lavagnino directed Director of Public Works/City Engineer Whitehead to take the matter and the petition to the Traffic Committee.

CONSENT CALENDAR
Councilmember Zacarías requested Items B, E, G, and N be pulled for discussion and separate vote.

Item 3B – Minutes of December 5, 2006
Councilmember Zacarías stated she would be abstaining from this item because she was not present at the meeting. She also asked about inclusion of comments from the public during public comment period and responses from City Council in the minutes. She said there was no reference in the minutes regarding the issue of people from outside the City speaking.

Chief Deputy City Clerk Perez indicated that normal practice was only to include direction from Council to staff to follow-up on issues raised during the public comment period.

Item 3E – Entertainment License for Cue & Cushion
Councilmember Zacarías stated she must abstain from voting on this item due to a potential conflict of interest as the applicant was a family member.

Item G – Density Bonus Ordinance
Councilmember Zacarías indicated she would be abstaining from this item as it was a second reading of an ordinance which was discussed at the last meeting.

Item N – No stopping zones on Donovan
Councilmember Zacarías stated many people sell their vehicles either in front of their homes or on corners close by. On Donovan Road near Pine Street and Lincoln, it has created a traffic hazard. She said she supported the no stopping zones; however, what has happened is that the car sales have moved from Donovan Road to Lincoln and Pine Streets. The residents report they are often blocked from their own neighborhoods and their own driveways. She asked the Traffic Committee to consider an ordinance that would require people who have vehicles for sale to only park them in front of their own homes or in designated areas throughout the City.

City Manager Ness explained that several years ago the City Council had adopted such an ordinance. Later, that ordinance was determined to be unconstitutional. The Police Department was prohibited from enforcing that ordinance. In other cases like this one, permit parking has been approved by the City Council.

Consent Calendar Items A through P, except Items B, E, and G, were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Items 3B, G, and E were approved on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmembers Orach and Zacarías

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of December 5, 2006, were approved as submitted.

C. WARRANTS
Warrant Nos. 131375 to 131633 in the amount of $1,529,198.03 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 130955, 130957, 131343, 131365, and 131446 were canceled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ENTERTAINMENT LICENSE
Resolution No. 2006-203 was adopted approving an amendment to an Entertainment License for Cue & Cushion Entertainment located at 415 South Blosser Road to allow televised sporting events on Sunday, Monday, Wednesday, Friday and Saturday, and singing contests accompanied by a live band on Tuesday and Thursday.

Resolution No. 2006-203 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ENTERTAINMENT LICENSE FOR CUE & CUSHION ENTERTAINMENT, 415 SOUTH BLOSSER ROAD.

F. GRAFFITI REWARD ORDINANCE
Ordinance No. 2006-18 was introduced by title only and continued to the next meeting for second reading and adoption permitting the City of Santa Maria to pay a reward of up to $500 for information leading to the arrest of a person or persons who commit acts of graffiti within the City limits.

Ordinance No. 2006-18 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 6-8 TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO ESTABLISHING A REWARD PROGRAM FOR INFORMATION LEADING TO ARRESTS OF PERSONS COMMITTING ACTS OF GRAFFITI WITHIN THE CITY LIMITS.

G. ORDINANCE NO. 2006-17
The second reading of Ordinance No. 2006-17, amending Chapter 48 of Title 12 of the Santa Maria Municipal Code pertaining to density bonus, was conducted and the ordinance was adopted.

Ordinance No. 2006-17 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 12-48 OF THE SANTA MARIA MUNICIPAL CODE, PERTAINING TO DENSITY BONUS.

H. NOTICE OF COMPLETION
Council approved a Notice of Contract Completion for Street Maintenance (Chip Seal), Bid No. 2007/03 and directed the Chief Deputy City Clerk to record same.

I. GRANT PROPOSAL
Resolution No. 2006-204 was adopted approving and authorizing the submittal of a grant proposal to the California Integrated Waste Management Board for funding in an amount not to exceed $200,000 from the Targeted Rubberized Asphalt Concrete Incentive Grant Program.

Resolution No. 2006-204 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AND AUTHORIZING THE SUBMITTAL OF A GRANT PROPOSAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR FUNDING OF A GRANT FROM THE TARGETED RUBBERIZED ASPHALT CONCRETE (RAC) INCENTIVE GRANT PROGRAM.

J. AGRICULTURAL TRUCK ROUTES
Resolution No. 2006-205 was adopted allowing the use of agricultural truck and two-trailer combinations of up to 75 feet in length on specific City maintained streets when hauling produce.

Resolution No. 2006-205 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ALLOWING THE USE OF AGRICULTURAL TRUCK AND TWO-TRAILER COMBINATIONS OF UP TO 75 FEET IN LENGTH ON SPECIFIC CITY MAINTAINED STREETS WHEN HAULING PRODUCE WITHIN THE CITY OF SANTA MARIA AS ALLOWED BY RECENTLY PASSED SENATE BILL 1237.

K. SUBDIVISION MAP AND AGREEMENT
Resolution No. 2006-206 was adopted approving a Subdivision Map and Agreement for Westfield at Pacific Crest Airspace Condominiums, Tract 5899, located south of Battles Road, east of Blosser Road, north of Sonya Lane, and west of the newly constructed Biscayne Street.

Resolution No. 2006-206 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR WESTFIELD AT PACIFIC CREST AIRSPACE CONCOMINIUMS, TRACT 5899.

L. WEED ABATEMENT COSTS

Resolution No. 2006-207 was adopted approving and confirming a report of additional Weed Abatement Costs for properties requiring additional abatement and authorizing submittal of said costs to the County Tax Collector for collection with the annual property taxes

Resolution No. 2006-207 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING REPORT OF WEED ABATEMENT COSTS FOR ASSESSMENT PURPOSES BY THE STREETS AND FACILITIES MANAGER.

M. FOUR-WAY STOP

Resolution No. 2006-208 was adopted approving a recommendation from the Traffic Committee to establish a four-way stop at the intersection of Fesler Street and Elizabeth Street.

Resolution No. 2006-208 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A FOUR-WAY STOP AT FESLER STREET AND ELIZABETH STREET PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

N. NO STOPPING ZONES

Resolution No. 2006-209 was adopted approving a recommendation of the Traffic Committee to establish no stopping zones on Donovan Road near Pine Street and Lincoln Street.

Resolution No. 2006-209 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON DONOVAN ROAD PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

O. NO STOPPING ZONES

Resolution No. 2006-210 was adopted approving a recommendation of the Traffic Committee to establish no stopping zones on McCoy Lane near Thompson Way and on Thompson Way near McCoy Lane.

Resolution No. 2006-210 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON DONOVAN ROAD PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

P. NO STOPPING ZONE

Resolution No. 2006-211 was adopted approving a recommendation of the Traffic Committee to establish a no stopping zone on Railroad Avenue between Alvin Avenue and Patti Lane (a private street).

Resolution No. 2006-211 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON RAILROAD AVENUE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

HOUSING ELEMENT UPDATE

Senior Deputy City Attorney Stockton gave the staff report. The proposed project would amend the City of Santa Maria's Housing Element of the General Plan, updating the text of the plan to comply with State-required information for the planning period 2001-2009. In order to promote housing availability for all economic segments, state law requires cities to adopt and update housing elements to their general plans. Housing Element updates must be prepared according to a state-required timeline and must evaluate a city's success in meeting its housing goals. On November 15, 2006, the Planning Commission adopted Resolution No. 2445 recommending the City Council approve the Housing Element Update. At the last meeting staff requested the Council continue the public hearing on the Housing Element Update to this meeting to allow the State Department of Housing and Community Development to complete their review of the

Update. The City received a letter from the HCD on December 19th indicating that the Housing Element did comply with State housing element law. Before that letter was received, the City received informal advice from the State regarding how to make the Update comply with State standards. Those recommended changes have been made and the revised pages were submitted to the Council tonight.

Mayor Lavagnino opened the public hearing.

Ernest Armenta stated at the last meeting during the staff report it was mentioned that garage conversions were being included. He indicated he was glad the State had finally approved the Housing Element.

Joan Leon expressed concern that the Housing Element had been submitted and approved by the State before the public hearing was held. She asked when the public was supposed to have a chance to participate. She said she had thoroughly reviewed the document and came prepared to give her comments, but it appeared it was after the fact. She quoted from page 102 which said "the City encourages participation in the comprehensive General Plan Update." The Department of Housing and Urban Development Department says that affordable is based on the median income of a family of four, yet the Housing Element only lists income levels of very low, low, moderate, and above moderate. There was no distinction in the document between affordable and income levels. The Regional Housing Allocation for Santa Maria for above moderate income homes was 1,645; however, 3,048 were built. People have said they can't afford to buy houses and rents are too high. That is because so many above moderate income level houses were being built. The Housing Element must show that 41 percent of units produced are affordable. She asked if that was household size or income. She said she understood that the City's obligation was to make sure that land was zoned so affordable housing could be built. The City did not build the houses. The Housing Element did not specify any land zoned for low or very low income levels. She quoted from the document regarding garage conversions and said it was pitiful that people with low incomes had to live in garages. She asked what the garage conversions in R-1 zoned neighborhoods did to the integrity of the single family residential areas. She said it looked like the City needed to have more land zoned for multi-family units, not more land zoned for above moderate income single family houses. She encouraged the use of incentives.

Mayor Lavagnino stated Mrs. Leon brought up a very interesting point related to single family residential neighborhoods. The Supreme Court had ruled that single family designations were no longer valid, and that 1 person per 100 square feet was allowable. According to that standard, 50 people could live in a 5,000 square foot house.

Senior Deputy City Attorney Stockton stated that staff's efforts with this Update to the Housing Element was to give a truer picture within the State requirements of the realities in Santa Maria. Concerning public participation, this document had been in the works for years, and there had been many public hearings and opportunities for public participation. The City was required by State law to follow a certain sequence of events when working toward certification. One of those things was to submit a draft document to the State for a compliance review 60 days before it was presented to the City Council. It was not meant to discourage public participation. The comments made by the Mayor were correct, government was not allowed to intrude in people's private lives and specify what the family should consist of. That is what the Supreme Court has supported.

Councilmember Zacarias thanked Mrs. Leon for the time she spent reviewing the document and her comments. She indicated she would be abstaining from voting on the document because she did not feel she had sufficient knowledge to support it. In response to the issue of overcrowding in homes, the City did not have anything directly to do with that. Potentially, the City could have sufficient affordable housing so that people would not be required to live in overcrowded homes. It was not always families that come together. It was sometimes economic necessity that requires it. She hoped that the community would be able to find opportunities to provide more affordable housing.

Councilmember Trujillo stated in the last six or seven years, there had been a lot of homes built in Santa Maria. Something that seemed to be affordable seven years ago was no longer affordable. He said he wished Santa Barbara and Goleta and other areas in Santa Barbara County would do their fair share.
Jeannie Barrett stated she represented numerous low income residents in the City who had been watching the development of the Housing Element. She said she was encouraged that the State was going to certify it, but was dismayed that it has taken three years. A lot of land had been developed over the last three years with a Housing Element that was not in compliance. The whole idea of the Housing Element was for the community to determine how to develop housing for all economic segments of the community. Saying that the City encourages 50 people to live in a 5,000 square foot house as a way to house all economic segments of the community was silly. That was not what the City wanted to do. Adequate affordable housing needed to be developed where people could have their own unit, not have overcrowding, not have too many vehicles, and not have overcrowded schools. That took planning. The City should not be settling, it should be trying to do better planning.

Senior Deputy City Clerk Stockton reviewed what steps the City Council had taken to encourage low income housing development such as the revisions to the density bonus ordinance, as well as single room occupancy regulations referenced in the Housing Element to be developed by the City Council which will facilitate guest worker housing and other forms of housing that are needed by people whose incomes are lower.

Harley Augustino commented that walking door to door during the campaign, they saw first hand the housing crisis in Santa Maria. He asked what the City was going to do about it. One of the ways affordable housing got built was through Redevelopment Agency dollars. He explained where redevelopment funds comes from. He said the City's Redevelopment Agency had generated millions of dollars which had paid for different projects over the years. Twenty percent of these funds were required to be spent on low and very low income housing. A lot of money from the Santa Maria Redevelopment Agency had gone to pay for a parking structure with very little going to affordable housing. There was about $3 million in Redevelopment Agency funds that was required to go toward affordable housing, but it was paying off the debt of the parking structure instead. That $3 million could be leveraged eight or nine times for about $24 million that could be used for affordable housing. The City could ask for extensions from the State to pay off debt and was not doing anything wrong. The City had a real housing crisis and needed to stop having a lackadaisical approach to affordable housing. He talked about inclusionary housing and how that could help provide affordable housing.

Natalia Bautista spoke in Spanish and her comments were translated. She said one of the beautiful things about Santa Maria was that it was a very productive City and provided a lot of employment. There was a very big housing problem here in the City especially for agricultural workers. The field workers had to live in hotels and motels or share residences with friends and family. These people who put all their best forward to make this a better community were being forgotten. She asked that the Council help this part of the community so they could have normal lives and live comfortably. A lot of these hard-working people have lived here many, many years. She asked that something be done so they could afford their own house in this community. This was a big problem in the City and asked the Council to help address the problem.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mayor Lavagnino commended Senior Deputy City Attorney Stockton and Planner III Shipsey for their hard work in getting this document approved by the State.

Councilmember Patino stated the Council knew that housing was a challenge and that the neighborhoods were being impacted and compromised because there was not enough housing. She said she had heard that inclusionary housing was not working. It will take the City, the County, the State, and the Federal government working together to provide enough housing for every community.

Councilmember Orach stated many years ago the City developed and helped sponsor Los Adobes de Maria I and II. HUD determined the income levels, and the City of Santa Barbara was what drives the income levels for the County. A median household income for this community was much different than it was County-wide because Santa Barbara and Montecito drive that scale up.

Councilmember Orach stated he was not at the last Council meeting but had watched the meeting and felt he could participate in the discussion and vote.

Resolution No. 2006-212 was adopted approving the Housing Element Update of the General Plan and authorizing clerical corrections to be made on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following roll-call vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Zacarías

Resolution No. 2006-212 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE 2006 UPDATE TO THE HOUSING ELEMENT OF THE GENERAL PLAN, GP-2002-003, E-2002-064.

City Manager Ness thanked Senior Deputy City Attorney Stockton and Planner III Shipsey for taking on this monumental task. He congratulated them for getting the Housing Element approved by the State.

DEVELOPMENT AGREEMENT

Director of Public Works/City Engineer Whitehead gave the staff report. Regency Realty Group, Inc., is a developer currently building the Santa Maria Commons project located at the southwest corner of Broadway and McCoy Lane. Santa Maria Commons is a commercial development with a Kohl's Department store, two proposed restaurant pads, and a proposed pharmacy. Along with other required improvements, the City requested that the developer build Broadway to the ultimate width, as well as installing a second northbound left turn lane. The required widening of approximately 30 feet exceeds the frontage improvement requirement of 12 feet plus curb, gutter, sidewalk and streetlights typically required of new developments. If the City and developer enter into a development agreement, the developer can efficiently provide the additional required traffic improvements the community needed now. In turn, the City could reimburse the developer for construction costs that exceed the developer's standard frontage improvement requirement. The Development Agreement with Regency Realty Group, Inc., would establish certain development standards on behalf of the developer. Approval of the Development Agreement would authorize the City to reimburse the developer for costs incurred over and above the growth mitigation fees paid and credited.

Councilmember Zacarías asked where the money would come from to pay the developer.

Director Whitehead explained that the funds would be from AB 1600 Growth Mitigation Fees paid by other developers.

Mayor Lavagnino opened the public hearing.

Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Ordinance No. 2006-19, approving a development agreement for Santa Maria Commons, was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following roll-call vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-19 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR SANTA MARIA COMMONS, LOCATED AT THE SOUTHWEST CORNER OF BROADWAY AND MCCOY ROAD.

COPS GRANT

Police Chief Macagni gave the staff report. The passage of AB1913 made State grant funds available to local jurisdictions based on a population formula, with each agency guaranteed to receive no less than $100,000 to provide frontline law enforcement services. The grant is made available to local jurisdictions annually and funds must be expended no later than June 30 of the following fiscal year or be forfeited. There are no matching funds required. Last year the City Council appropriated $128,118 in State COPS funds toward the match of two police officer positions hired under a Federal Universal Hiring Grant. During the budget process, the State COPS program funds were identified as the source of funding for two additional police officer positions in fiscal year 2006-07.

Councilmember Zacarías asked what amount the City would be receiving for this year.

Chief Macagni replied this year it would be $175,570. That was not specified in the Staff Report because the Police Department had not received the information until this week.

Councilmember Orach asked how many years the City had been received COPS grant funds.

Chief Macagni explained that it has been six years.

Mayor Lavagnino opened the public hearing.

With no requests to speak received, Mayor Lavagnino closed the public hearing.

Resolution No. 2006-213 was adopted appropriating funds from the COPS Program on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following roll-call vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-213 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING STATE FUNDS TO THE POLICE DEPARTMENT PURSUANT TO THE CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FOR FISCAL YEAR 2006-07.

COMMERCIAL VEHICLES ON RESIDENTIAL LOTS

Code Compliance Supervisor Garcia gave the staff report. Section 5-6.202(h) of the Santa Maria Municipal Code was first adopted in January of 2000 which restricted the parking of vehicles with a gross vehicle weight of 10,000 pounds or more from parking on residentially zoned lots or parcels. Due to the growing number of complaints about other types of commercial vehicles parked or stored on residential lots/parcels, section 5-6.202(h) was amended in January of 2006 to include a wide variety of commercial vehicles (as defined in the California Vehicle Code) to better address concerns of local residents. Since its initial adoption and subsequent amendment in January of 2006, changes had been made to the California Vehicle Code pertaining to specific definitions, used by reference in the Santa Maria Municipal Code, to identify and define certain commercial vehicles and trailers. Furthermore, in an effort to clarify the purpose and intent of enforcement pertaining to pickup trucks, an additional section was added to the

exceptions portion of the ordinance to specifically exclude pickup trucks that are not used to haul or store commercially related equipment, goods, products or items to or from residentially zoned parcels. The purpose of the amendment is to update specific commercial vehicle definitions consistent with the California Vehicle Code and broaden the exceptions portion of the ordinance. He stated James Edwards had requested specific types of commercial vehicles be excluded from the ordinance. He and Deputy City Attorney Sinco had met with Mr. Edwards and advised him that they would not be recommending those amendments to the City Council. He displayed pictures of some commercial vehicles parked on residential property that were not in compliance with the ordinance.

Councilmember Orach stated it looked like these amendments enhanced the definitions with more detail from the California Vehicle Code. He said it looked from the pictures that some of the trucks encroached into the sidewalk and asked if that was legal.

Code Compliance Supervisor Garcia replied that it was illegal to encroach into the public right of way.

James Edwards, Sr. thanked Mr. Garcia for showing a picture of his truck. He said the truck was not oversized and did not weigh 3,600 pounds. He said he was citied for parking in his driveway. The truck was only parked at his house in the evenings, not during the day. He talked to all his neighbors, and they did not have a problem with his truck. He has lived there for 18 years and never had one complaint from his neighbors. When his truck was parked in the street, kids played on it. He also talked about his barbeque trailer which was parked in his driveway. He said he was told it was an aesthetic eyesore.

James Edwards II stated the change to the Vehicle Code happened in 2003 so this amendment to the ordinance was not adding any value. He said the change he requested for trailers was because it referred to an obsolete section of the Vehicle Code. He was not asking for special exemptions. His father's truck was clearly parked in the driveway and did not extend into any part of the public area. This ordinance did not get the commercial vehicles out of residential areas, it just moved them out onto the street. He said all he asked for was that the City stick to the size requirements so that daily drivers could park in their driveways. He said he was proud to work in a community that embraces the agricultural industry, and as a result of that people drive work trucks. He requested the Council consider public safety and the rights of the people to park their vehicles in their driveways and reject the amendments to the ordinance.

Larry Fowler said he would like to have a Code that would allow him to park his pickup truck in his driveway even though it had a utility bed. He said it was not a commercial vehicle, it was his every day truck. He said he would like to park it in the driveway so the kids did not get in it when it was parked on the street.

There were no further comments from the public.

Councilmember Zacarías asked what Mr. Fowler's truck looked like.

Code Compliance Supervisor Garcia showed pictures of Mr. Fowler's truck which had a large wench on the back of it. He said it might be used for personal purposes; however, it was designed for commercial purposes. The intent of the ordinance was to prohibit these types of vehicles from being in a residential zone whether used for commercial purposes or just designed for those uses. Mr. Fowler did repair and dismantle ATVs right on his driveway, and leaves them there which was also a violation of the Municipal Code.

Councilmember Zacarías stated it was her understanding that the City did not cite standard pickup trucks in driveway unless they were obviously commercial.

Code Compliance Supervisor Garcia explained that one of the amendments in the proposed ordinance was an exemption for standard pickup trucks that were not used for

commercial purposes. He explained that the department did try to work with disabled persons and help find solutions for them; however, they were unable to do that with Mr. Fowler.

Councilmember Zacarias commented that the ordinance did address height, length, and weight of vehicles and that some of the SUVs in town may also exceed those limitations. She said maybe the City should look at whether or not the pickup trucks were sufficiently different as long as it was not used for commercial purposes. She said she would like to make sure there were some exceptions available for noncommercial vehicles within the size limits used by disabled persons.

City Attorney Trujillo stated that they do take into account prosecutorial discretion every time they charge a violation of the Code. They take into account all factors including whether or not a person is disabled, their ability to physically get the work done, their financial means, and they try to work with all people. None of these individuals had been cited into court. They had all been given warning notices, and no citations had been issued.

Councilmember Patino stated she felt the City needed to differentiate between what was commercial and what was not commercial. When she was on the Code Compliance Board, they received a lot of complaints about commercial vehicles parked in residential neighborhoods.

Ordinance No. 2006-20 amending Section 6-5.22 of the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following roll-call vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2006-20 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SUBSECTION (h) OF SECTION 5-6.202 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO COMMERCIAL VEHICLES IN RESIDENTIAL ZONES.

MAYOR PRO TEM

Mayor Lavagnino thanked Councilmember Patino for doing a great job as Mayor Pro Tem and representing him throughout the year when he was not available.

Mayor Lavagnino nominated Councilmember Trujillo to serve as Mayor Pro Tem for 2007. Councilmember Patino seconded the nomination. The nomination was ratified on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

CITY MANAGER'S REPORT

City Manager Ness reported on items for the January 2, 2007, City Council meeting including appointments of Councilmembers to regional boards, as well as second reading and adoption of the graffiti reward program ordinance, the commercial vehicles ordinance, and the ordinance approving the development agreement for the Santa Maria Commons project from tonight's meeting.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo reported on attending the ground breaking ceremony for the Faith Korean Church on December 6th near the new Kohl's Center, he rang the bell for the Salvation Army, and on December 7th attended the dedication ceremony for the

plaque at the Veteran's Memorial at the Abel Maldonado Community Youth Center for John Edward Smith who won five purple hearts.

Councilmember Patino reported on attending the Methamphetamine Summit in Buellton on December 14th. The facilitator complimented Fighting Back Santa Maria Valley for their work. The drug-free communities grant that was obtained by Fighting Back Santa Maria Valley was extended for five more years.

Councilmember Patino thanked the people of Santa Maria for re-electing her. She thanked all the military who are serving overseas and their families especially this time of year.

Councilmember Zaracias reported on attending the All-City Open House on December 8th, and the going away party for Sergeant Bill Spears. She thanked City staff for the orientations they had provided her. She thanked the voters for electing her.

Councilmember Orach wished everyone a Merry Christmas and asked that everyone remember the troops in their prayers. He also talked about the All-City Open House. He thanked City staff for their work during the year.

Mayor Lavagnino thanked everyone. He said he thought next year was going to be a very good year. He commended the City Attorney's office for their "Totally Italian" bistro at the All-City Open House. He talked about the dedication ceremony for John Edward Smith and all the people who were killed on December 7, 1941. He wished everyone a Merry Christmas and a Happy New Year.

CLOSED SESSION
Council recessed to Closed Session at 9:30 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6. of the Government Code; Agency representative: Assistant City Manager; Employee organizations: Santa Maria Police Officers Association (SMPOA), Non-represented Full-time Management and Confidential Employees, and Public Safety Managers; and Conference with Legal Counsel – Liability Claims pursuant to Subdivision (a) of Section 54956.95 of the Government Code regarding claimant Alma Ferreria against the City of Santa Maria.

After the Closed Session, the following was announced:

Conference with Labor Negotiator:	SMPOA - Direction to staff.
Conference with Labor Negotiator:	Non-Represented Full-Time Management and Confidential Employees - Direction to staff.
Conference with Labor Negotiator:	Public Safety Managers - Direction to staff.
Conference with Legal Counsel:	Liability Claim for Alma Ferreria - Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 11:01 p.m. by order of Mayor Lavagnino.

APPROVED

1-2-07
Date

ATTEST

Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria